

AMENDED IN SENATE JULY 5, 2007
AMENDED IN SENATE JUNE 28, 2007
AMENDED IN SENATE JUNE 18, 2007
AMENDED IN SENATE MAY 22, 2007
AMENDED IN ASSEMBLY APRIL 30, 2007
AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 695

Introduced by Assembly Member Karnette

February 22, 2007

An act to amend ~~Sections 9853 and 40000.8~~ *Section 9853* of, and to add Sections 9853.7 and 9853.8 to, the Vehicle Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Karnette. Vessels: registration.

(1) Existing law generally requires every undocumented vessel, as defined, using the waters or on the waters of the state to be currently numbered. The owner of each vessel requiring numbering by the state is required to file an initial application for a number, on forms the Department of Motor Vehicles develops and approves, with the department or an agent authorized by the department.

Existing law, by regulation, imposes emissions standards on spark-ignition marine engines with a model-year of 2001 or later, that are manufactured for sale, sold, or offered for sale in the state, or that are introduced, delivered, or imported into the state for introduction into commerce.

This bill would require the initial application for a number, on and after January 1, 2008, to contain checkoff boxes or line alternatives for the retail seller of the vessel to certify that a sterndrive or inboard vessel that contains a spark-ignition marine engine below 373 kW (500 hp) rated power output that was manufactured on or after January 1, 2008, or contains a spark-ignition marine engine with any rated power ~~input~~ *output* that was manufactured on or after January 1, 2009, has a permanently affixed label indicating that the engine meets or exceeds specified 2008 California emissions standards. The bill also would require an initial application for one of those vessels to have a line requiring the application to be accompanied by a specified hang tag for the engine.

If the retail seller of one of those vessels files for the purchaser the initial application for a number for the vessel, the bill would require the retail seller to certify on the initial application for a number that the spark-ignition marine engine has a permanently affixed label indicating that the engine meets or exceeds those emissions standards. The retail seller also would be required to submit with the application the hang tag for the engine, after including specified information on the hang tag.

If the retail seller does not file for the purchaser the initial application for a number for one of those vessels, the bill would require the applicant to submit the hang tag for the engine, with specified information on the hang tag, inserted by the retail seller of the vessel.

The bill would exclude from its provisions vessels originally purchased in another state by a resident of that state who subsequently establishes residence in this state, and who provides satisfactory evidence to the department, or the department's agent, of the previous residence.

The bill would prohibit the department, and the department's agent, from numbering a vessel subject to those requirements if the retail seller does not certify on the initial application for a number that the engine has the permanently affixed label or the applicant does not submit an application that is accompanied by the hang tag.

(2) The bill would provide that it is ~~a misdemeanor for a person to purchase an undocumented vessel subject to the requirements described in (1) outside of the state, for use in the state, if the vessel is required to be numbered by the Vehicle Code, with the intent of avoiding the emissions standards described in (1)~~ *an infraction, punishable by a fine of \$250, for a person to operate an undocumented vessel with one of*

those engines described in (1), requiring numbering by the state, that is not currently numbered by the state, and that does not comply with the emissions standards described in (1). By creating a new ~~crime~~ infraction, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9853 of the Vehicle Code is amended to
2 read:

3 9853. (a) (1) The owner of each vessel requiring numbering
4 by this state shall file an initial application for a number with the
5 department or with an agent authorized by the department on forms
6 approved by the department. The forms shall be prepared in
7 cooperation with the Department of Boating and Waterways. The
8 application shall contain the true name and address of the owner
9 and of the legal owner, if any, and the hull identification number
10 of the vessel as may be required by the department. The application
11 shall be signed by the owner of the vessel and shall be accompanied
12 by a fee of nine dollars (\$9), in addition to the fees required under
13 subdivision (b), except that an owner of a vessel registered outside
14 this state who is submitting an application for registration in this
15 state shall pay a fee of thirty-seven dollars (\$37), in addition to
16 the fees required under subdivision (b).

17 (2) (A) On and after January 1, 2008, the form for an initial
18 application for a number prepared by the department pursuant to
19 paragraph (1) shall include both of the following:

20 (i) Checkoff boxes or line alternatives for the retail seller of an
21 undocumented vessel to certify that a sterndrive or inboard vessel
22 that contains a spark-ignition marine engine below 373 kW (500
23 hp) rated power output that was manufactured on or after January
24 1, 2008, and a sterndrive or inboard vessel that contains a
25 spark-ignition marine engine with any rated power ~~input~~ output
26 that was manufactured on or after January 1, 2009, has a

1 permanently affixed label indicating that the engine meets or
2 exceeds the 2008 California emissions standards required by
3 Section 2442 of Title 13 of the California Code of Regulations.

4 (ii) A line requiring that an initial application for a vessel
5 described in clause (i) be accompanied by the hang tag required
6 by Section 2443.3 of Title 13 of the California Code of Regulations
7 for the engine described in clause (i).

8 (B) As used in this paragraph “spark-ignition marine engine”
9 has the same meaning as that term is defined in Section 9853.7.

10 (b) (1) Whenever the fee for original registration of a vessel
11 becomes due between January 1 and December 31 of any
12 even-numbered year, the application shall be accompanied by a
13 fee of ten dollars (\$10), in addition to any other fees that are then
14 due and payable.

15 (2) Whenever the fee for original registration of a vessel
16 becomes due, or is filed with the department, between January 1
17 and December 31 of any odd-numbered year, the application shall
18 be accompanied by a fee of twenty dollars (\$20) in addition to any
19 other fees that are then due and payable.

20 SEC. 2. Section 9853.7 is added to the Vehicle Code, to read:

21 9853.7. (a) (1) When the retail seller of an undocumented
22 sterndrive or inboard vessel, that contains a spark-ignition marine
23 engine below 373 kW (500 hp) rated power output that was
24 manufactured on or after January 1, 2008, or contains a
25 spark-ignition marine engine with any rated power output that was
26 manufactured on or after January 1, 2009, files for the purchaser
27 of the vessel the initial application for a number for the vessel, the
28 retail seller shall do both of the following:

29 (A) Certify on that application, by marking in indelible ink the
30 affirmative checkoff boxes or line alternatives described in
31 paragraph (2) of subdivision (a) of Section 9853, that the
32 spark-ignition marine engine has a permanently affixed label
33 indicating that the engine meets or exceeds the 2008 California
34 emissions standards required by Section 2442 of Title 13 of the
35 California Code of Regulations. The retail seller shall make that
36 certification only after examining the permanently affixed label
37 for the engine and only if the label indicates compliance with
38 Section 2442 of Title 13 of the California Code of Regulations.

39 (B) Submit with the application, the hang tag required by Section
40 2443.3 of Title 13 of the California Code of Regulations for the

engine, after including on the reserved white space of the hang tag, the engine family name, from the permanently affixed engine label, and the serial number of the engine.

(2) If the retail seller does not file for the purchaser of a vessel described in paragraph (1) the initial application for a number for the vessel, the applicant, upon filing an initial application for a number, shall submit the hang tag required by Section 2443.3 of Title 13 of the California Code of Regulations for the engine. The hang tag shall contain the engine family name, from the permanently affixed engine label, and the serial number of the engine, as inserted by the retail seller of the vessel.

(b) Subdivision (a) does not apply to a vessel originally purchased in another state by a resident of that state who subsequently establishes residence in this state and who provides satisfactory evidence to the department, or the department's agent authorized pursuant to Section 9858, of the previous residence.

(c) The department, and the department's agent authorized pursuant to Section 9858, shall not number a vessel subject to subdivision (a), unless the retail seller certifies on the initial application for a number filed for the purchaser of the vessel that the spark-ignition marine engine has the label described in paragraph (1) of subdivision (a) permanently affixed to the engine, or the applicant submits an application that is accompanied by the hang tag required by subdivision (a).

(d) For the purposes of this section, "spark-ignition marine engine" has the same meaning as that term is defined in paragraph (48) of subdivision (a) of Section 2441 of Title 13 of the California Code of Regulations.

SEC. 3. Section 9853.8 is added to the Vehicle Code, to read:

~~9853.8.— It is a misdemeanor for a person to purchase an undocumented vessel subject to subdivision (a) of Section 9853.7 outside of the state, for use in the state, if the vessel is required to be numbered pursuant to this chapter, with the intent of avoiding the emissions standards required by Section 2442 of Title 13 of the California Code of Regulations.~~

9853.8. (a) This section applies only to a sterndrive or inboard vessel that contains a spark-ignition marine engine below 373 kW (500 hp) rated power output that was manufactured on or after January 1, 2008, or contains a spark-ignition marine engine with

1 any rated power output that was manufactured on or after January
2 1, 2009.

3 (b) It is an infraction, punishable by a fine of two hundred fifty
4 dollars (\$250), for a person to operate an undocumented vessel,
5 requiring numbering by the state, that is not currently numbered
6 by the state, and that does not comply with the emissions standards
7 required by Section 2442 of Title 13 of the California Code of
8 Regulations.

9 (c) As used in this section, “spark-ignition marine engine” has
10 the same meaning as that term is defined in Section 9853.7.

11 ~~SEC. 4. Section 40000.8 of the Vehicle Code is amended to~~
12 ~~read:~~

13 ~~40000.8. A violation of any of the following is a misdemeanor,~~
14 ~~and not an infraction:~~

15 ~~(a) Section 9853.8, relating to avoiding emissions standards.~~

16 ~~(b) Section 9872, relating to hull identification numbers of~~
17 ~~vessels.~~

18 ~~(c) Section 9872.1, relating to hull identification numbers of~~
19 ~~vessels.~~

20 ~~SEC. 5.~~

21 ~~SEC. 4.~~ No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.